



WEB COPY



HCP.No.1732 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

H.C.P.No.1732 of 2024

Mrs. Nandini

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.

2 The Commissioner of Police Greater Chennai,
Chennai City,
Chennai.

3 The Superintendent of Prison
Central Prison, Puzhal,
Chennai.

4 The Inspector of Police
K-2 Ayanavaram Police Station,
Ayanavaram, Chennai 600 023

.... Respondents



HCP.No.1732 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, Call for the entire records connected with the detention order of the 2nd respondent in Memo No.333/ BCDFGISSSV/2024 dated 09.04.2024 and quash the same and direct the respondents to produce the body of the petitioner's son namely Pradeep S/o. Gnanasekaran, aged 27 yrs detained in Central Prison, Puzhal, Chennai before this Honble court and set him at Liberty.

For Petitioner : Mr. B.S.Manikandan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the Commissioner of Police, Greater Chennai, Chennai City, in Memo No.333/ BCDFGISSSV/2024 is sought to be quashed in the present Habeas Corpus Petition.

2. A perusal of the documents relied on by the detaining authority would reveal that, the detenue had been arrested on 29.02.2024, however the impugned order of detention has been issued on 09.04.2024, after a lapse of more than two months.



HCP.No.1732 of 2024

WEB COPY

3. The fact about the long delay would be sufficient to draw an inference that the detaining authority has failed to apply their mind for the purpose of issuing the impugned order under Act 14 of 1982.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in Memo No.333/ BCDFGISSSV/2024 dated 09.04.2024 is quashed and the Habeas Corpus Petition is allowed. The detinue, viz., Pradeep S/o. Gnanasekaran, aged 27 years detained in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

12.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
mrp

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.



HCP.No.1732 of 2024

- 2 The Commissioner of Police Greater Chennai,
Chennai City,
Chennai.
- 3 The Superintendent of Prison
Central Prison, Puzhal,
Chennai.
- 4 The Inspector of Police
K-2 Ayanavaram Police Station,
Ayanavaram, Chennai 600 023



WEB COPY



HCP.No.1732 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

mrp

H.C.P.No.1732 of 2024

12.08.2024